

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                              |   |                                      |
|------------------------------|---|--------------------------------------|
| JUAN DAVILA-BAJANA,          | ) | Civil Action No. 04-253E             |
|                              | ) |                                      |
| Plaintiff,                   | ) | Hon. Sean J. McLaughlin              |
|                              | ) | United States District Judge         |
| v.                           | ) |                                      |
|                              | ) | Hon. Susan Paradise Baxter           |
| TIM HOLOHAN, <u>et al.</u> , | ) | Chief United States Magistrate Judge |
|                              | ) |                                      |
| Defendants.                  | ) | ELECTRONICALLY FILED                 |

ORDER

AND NOW, to wit, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, upon consideration of the Motion to Dismiss the Complaint or, in the Alternative, for Summary Judgment, heretofore filed by Defendants, and all other pertinent papers,

IT IS HEREBY ORDERED that said Motion is GRANTED; and

IT IS FURTHER ORDERED that the remaining First Amendment allegation within Plaintiff's Complaint is dismissed in its entirety with prejudice.

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UNITED STATES MAGISTRATE JUDGE

cc: All parties